

REMARKS

Claims 1, 8, 14-16 have been amended in this Response to Office Action. No claims have been added or cancelled. Thus, claims 1-4, 6-11 and 13-21 are currently pending. No new matter has been introduced. Claims 14 and 16 have been amended to address scrivener's errors.

I. Rejection of Claims 1, 7, 8, 14, 15 and 21 under 35 USC 102(b)

The Examiner has rejected claims 1, 7, 8, 14, 15 and 21 under 35 USC 102(b) as anticipated by US Patent No. 6,122,663 to Lin et al. ("Lin"). It is respectfully submitted that claims 1, 7, 8, 14, 15 and 21 are not anticipated by Lin because Lin, does not teach all the limitations of Claims 1, 7, 8, 14, 15 and 21, in view of the amendments to claims 1, 8 and 15. For example, without limitation, Lin does not teach classifying the one or more records at the remote computer. Additionally, Lin does not teach deleting one or more records while there is available memory for storing at least one additional record."

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference." *MPEP* § 2131 (citing *Verdegual Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)).

Repeatedly in paragraph 4, and again in paragraph 7 of the Action, the Examiner indicated that Lin does not classify the records at the remote computer, as is recited in claims 1, 8 and 15 as amended. Additionally, repeatedly in paragraph 4, the Examiner indicated that he asserts that "when the remote data is filled with one or more file, the program monitor will delete one or more record from local (memory)." Such asserted deletion, if it in fact occurs, does not meet the limitation of deleting one or more records while there is available memory for storing at least one additional record as recited in claims 1, 8 and 15 as amended.

Therefore, it is respectfully requested that the rejection be withdrawn.

II. Rejection of Claims 2-4, 6, 9-11, 13 and 16-20 under 35 USC 103(a)

The Examiner has rejected claims 2-4, 6, 9-11, 13 and 16-20 under 35 USC 103(a) as obvious over US Patent No. 6,122,663 ("Lin") in view of US Pub. No. 6,675,161 ("Heckerman") (collectively the "References"). It is respectfully submitted that claims 2-4, 6, 9-11, 13 and 16-20 are not obvious over the References because the combination of the References as suggested by the Examiner does not teach all the limitations of Claims 2-4, 6, 9-11, 13 and 16-20 in view of the amendments to independent claim 1, 8 and 15 from one of which each of the rejected claims depend.

In order to establish a prima facie case of obviousness "all of the claim limitations must be taught or suggested by the prior art." In re Royka, 490 F.2d 981 (C.C.P.A. 1974). "If an independent claim is not obvious under 35 U.S.C. §103, then any claim depending therefrom is not obvious." MPEP 2143.03 (citing In re Fine, 837 F.2d 1382, 1385 (C.C.P.A. 1970)).

The Examiner states that Lin inherently teaches deleting the records from memory when the memory is full and explicitly teaches all of the other limitations of the claims, except classifying a record, which is taught by Heckerman. (Throughout paragraph 4 of the Office Action). The combination of Lin and Heckerman are not believed to teach or suggest all of the limitations of the independent claims from which the rejected claims depend as neither Lin nor Heckerman teach or suggest the limitation of deleting one or more records while there is available memory for storing at least one additional record as recited in claims 1, 8 and 15 as amended.

Therefore, it is respectfully requested that the rejection be withdrawn.

CONCLUSION


For at least all of the foregoing reasons, it is respectfully submitted that claims 1-4, 6-11 and 13-21 are allowable. Favorable reconsideration and allowance of this

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Application is therefore respectfully requested. Applicants are filing herewith a Petition For Extension of Time Under 37 CFR 1.136(a) requesting a three month extension of time to and including June 28, 2008, rendering this response and the Request For Continued Examination Transmittal that it accompanies filed on Monday, June 30, 2008 timely upon the granting of the extension of time, such date being the first date on which the Office is open following June 28, 2008 which date fell on a Saturday. The Request for Continued Examination Transmittal and Petition For Extension of Time Under 37 CFR 1.136(a) filed herewith authorize the Director to charge the fee for a three month extension of time in the amount of \$1050.00, the RCE filing fee of \$810.00 and any other fees which may be required, or credit any overpayment, to Deposit Account Number 09-0007. If applicants have inadvertently overlooked the need to petition for any additional extension of time or to pay an additional fee, Applicants conditionally petition therefore, and authorize any fee deficiency to be charged to deposit account 09-0007. When doing so, please reference the above-listed docket number.

Respectfully submitted,

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Petition for Extension of Time
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